REMARKS

The present application has been reviewed in light of the Office Action dated June 17, 2003. Claims 1-14 are presented for examination. Claims 1, 13, and 14, the only claims in independent form, have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1-3, 8, 13, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,251 (Kurobe et al.); and that Claims 4-7 and 9-12 are rejected under § 103(a) as being unpatentable over Kurobe et al. in view of U.S. Patent No. 5,375,068 (Palmer et al.). Applicant respectfully traverses the rejections and submits that independent Claims 1, 13, and 14, together with the claims dependent therefrom, are patentably distinct from Kurobe et al. for at least the following reasons.

An aspect of the present invention set forth in Claim 1 is directed to a communication apparatus that performs data communication via a communication network. The apparatus includes a packet transmitter, a detector, and a controller. The packet transmitter is adapted to transmit image data in packets and to transmit sound data in packets. The sound data is divided into packets of invariable packet size and the image data is divided into packets of variable packet size. The image data is divided into packets dependent upon a ratio of an amount of image data to an amount of sound data.

The detector is adapted to detect an amount of sound data to be transmitted in packets. Upon a decrease in the amount of sound data to be transmitted in packets, as detected by the detector, the controller increases the variable packet size of the packets of image data to be

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transmitted and decreases the amount of sound data to be transmitted.

Kurobe et al. relates to a multiplex transmission system. As understood by Applicant, Kurobe et al. teaches that a fixed-length field is divided into variable-length slots. The length of a second variable-length slot is increased/decreased depending on the length of a preceding first variable-length slot. (See the Abstract and Fig. 1.)

Nothing has been found in Kurobe et al. that is believed to teach or suggest a communication apparatus that includes "a packet transmitter adapted to transmit image data in packets and to transmit sound data in packets, wherein the sound data is divided into packets of invariable packet size and the image data is divided into packets of variable packet size," and "a controller adapted to increase the variable packet size of the packets of image data to be transmitted and to decrease the amount of sound data to be transmitted by said packet transmitter, according to a decrease in the amount of sound data to be transmitted in packets, as detected by said detector," wherein "the image data is divided into packets dependent upon a ratio of an amount of image data to an amount of sound data," as recited in Claim 1.

Applicant notes that the change in size of the second variable-length slot in the Kurobe et al. system is dependent on the presence or absence of sound data. That is, the fixed-length multiplex frame of Kurobe et al. is divided into 3 segments, a "Header," a "Variable-Length Slot 1," and a "Variable-Length Slot 2." The length of the Header is predetermined, and the length of the Variable-Length Slot 1 is dependent upon the method used for coding audio data. Apparently, when the method used is G.723, the Variable-Length Slot 1 is fixed at 20-bytes in length. The length of the Variable-Length Slot 2 is then the difference between the length of

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the fixed-length multiplex frame and the combination of the Header and Variable-Length Slot 1 segments. Accordingly, the length of Variable-Length Slot 2 increases only when there is no audio data transmitted.

In contrast, according to the communication apparatus of Claim 1, the length of the variable size packet of claim 1 is dependent upon the _amount_ of sound data to be transmitted, and not merely the presence or absence of sound data. Thus, as the _amount_ of sound data decreases or increases, not merely the presence or absence of sound data, the variable packet size increases or decreases, respectively. Support for this feature may be found at least in Figure 3 and on page 12, line 6, to page 15, line 18, of the specification.

Accordingly, Applicant submits that Claim 1 is patentable over Kurobe et al. and respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claims 13 and 14 include a feature similar to that discussed above, in which a variable packet size of packets of image data to be transmitted is increased and an amount of sound data to be transmitted is decreased, according to a detected decrease in the amount of sound data to be transmitted in packets. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from Claim 1 and therefore are submitted to be patentable for at least the above reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.
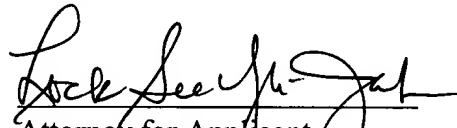
In view of the foregoing amendments and remarks, Applicant respectfully

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requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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